

that the Court entered in this case on September 25, 2020 concerning the identity of research subjects in a peer-reviewed article authored by Plaintiff's expert, Jaqueline Moline, M.D. ("Dr. Moline"), entitled, "Mesothelioma Associated with the Use of Cosmetic Talc" ("Article"). Specifically, the Motion requested that the Court extend the Protective Order to cover the Plaintiff's identity as a subject in Dr. Moline's research study and in her Article. The basis for Northwell's Motion is grounded in: (1) The Federal Policy for the Protection of Human Subjects, 45 C.F.R. Part 46, Subpart A (or, "The Common Rule"); (2) bedrock Institutional Review Board ("IRB") standards of privacy and confidentiality covering research subjects; (3) the specific IRB approvals that Dr. Moline secured in advance of writing and publishing the Article; (4) well-established standards and universally accepted norms in the medical research community related to research subjects and anonymity; and (5) relevant case law affirming privacy and confidentiality requirements for research subjects.

Northwell's Objections, like Northwell's Motion, address the same confidential subject matter that Northwell seeks to protect through the Motion, namely, Plaintiff's identity as a subject of the research study. Therefore, filing the Objections under seal is necessary to avoid public disclosure of the information the underlying Motion seeks to protect. As further discussed in the Objections and in the Motion, there is a significant public interest in keeping the identities of research subjects confidential. See e.g., Cusumano v. Microsoft Corp., 162 F.3d 708 (1st Cir. 1998).

For the forgoing reasons, Northwell respectfully requests that the Court grant its Motion and permit the filing under seal of the unredacted documents.

This the 11th day of March, 2021.

/s/ John H. Lawrence

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 11th, 2021, the foregoing Motion was filed via ECF filing, which will serve all counsel of record in the above-referenced matter.

This the 11th day of March, 2021.

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/s/ John H. Lawrence
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